

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICROSOFT CORPORATION,

Plaintiff,

-against-

KEVIN CODY,

Defendant.

Civil Action No. 07 CIV 7963

**STIPULATION OF DISMISSAL WITH  
PREJUDICE**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff  
Microsoft Corporation, by its undersigned attorneys, and Defendant Kevin Cody, pro se,  
hereby stipulate to the dismissal of the within action with prejudice. Each party shall  
bear its own attorneys' fees and costs.

Dated: New York, New York

*October* ~~September~~ 19, 2007

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP

KEVIN CODY

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*Pro se*

RELEASE AND SETTLEMENT AGREEMENT